

**PLANNING AND ZONING COMMISSION
STAFF REPORT**

March 6, 2014



Rezoning case no. RZ 14-04: Carrabba Interests

CASE DESCRIPTION: a request to change the zoning classification from a combination of Agricultural – Open District (A-O) and Residential District – 5000 (RD-5), to Planned Development – Housing District (PD-H)

LOCATION: 88.56 acres of land adjoining both sides of Thornberry Drive for a distance of approximately 1,700 feet east from its intersection with Bullinger Creek Drive

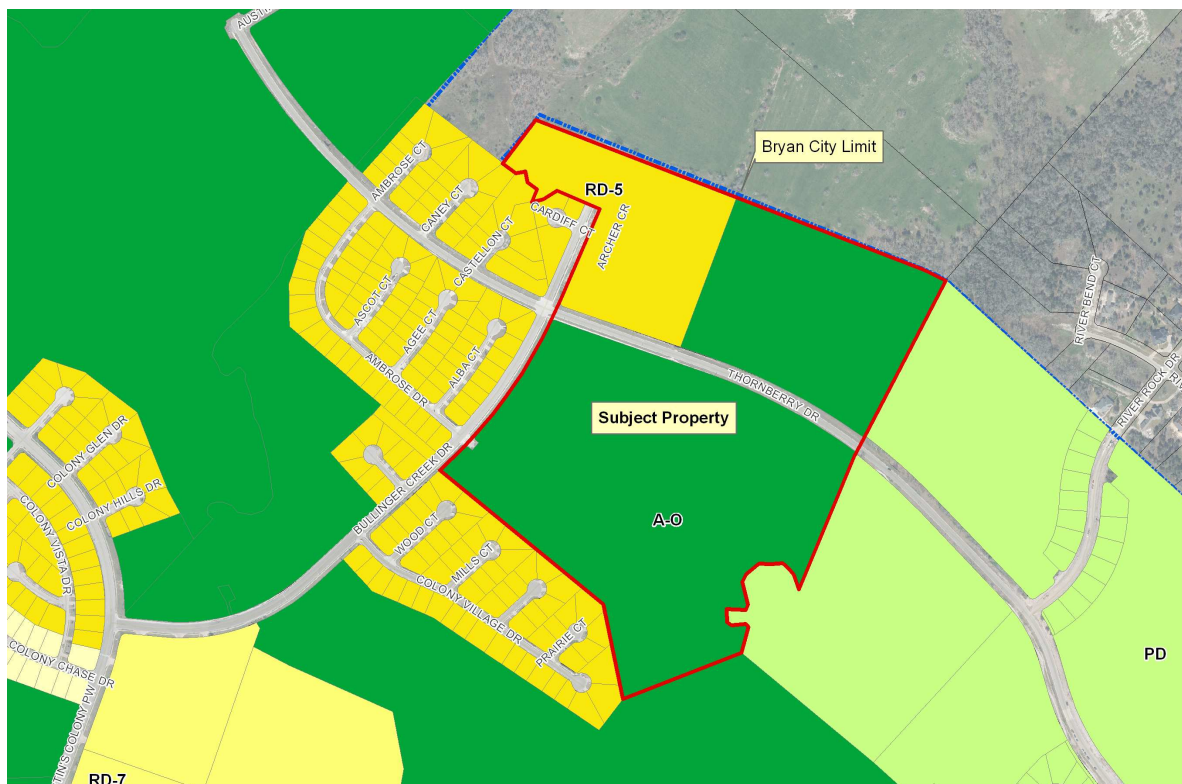
LEGAL DESCRIPTION: 88.56 acres of land out of John Austin League A-2

EXISTING LAND USE: vacant acreage

APPLICANT(S): Grant Carrabba

STAFF CONTACT: Martin Zimmermann, Planning Administrator

SUMMARY RECOMMENDATION: Staff recommends **approving** this rezoning request.



BACKGROUND:

The applicant/developer, Mr. Grant Carrabba, is requesting to change the zoning classification from a combination of Residential District – 5000 (RD-5) and Agricultural – Open District (A-O) to a Planned Development District – Housing (PD-H) on 88.56 acres of vacant land located east of the intersection of Bullinger Creek and Thornberry Drives. The applicant wishes to develop this land with a residential subdivision, specifically Phases 12B through 18 of the Austin's Colony Subdivision. A master plan for Austin's Colony proposing a low-density residential development at this location was approved by the Planning and Zoning Commission on April 6, 2006.

The applicant proposes to utilize a connectivity master plan (attached) for the remaining 195 acres of the Austin's Colony Subdivision, to permit construction of public walkways on only one side of the street within this master planned residential subdivision. Adoption and implementation of the proposal would allow resources normally invested to provide sidewalks along both sides of relatively short street sections to be targeted toward construction of off-site pedestrian facilities intended to enhance connectivity system-wide in existing and future phases of the subdivision. No changes to the range of allowed and potentially allowed land uses within this part of the Austin's Colony Subdivision are proposed with this PD-H District. The same land uses and development standards that generally apply to properties zoned RD-5 District, except for the variations described below, will be applicable within this PD-H District.

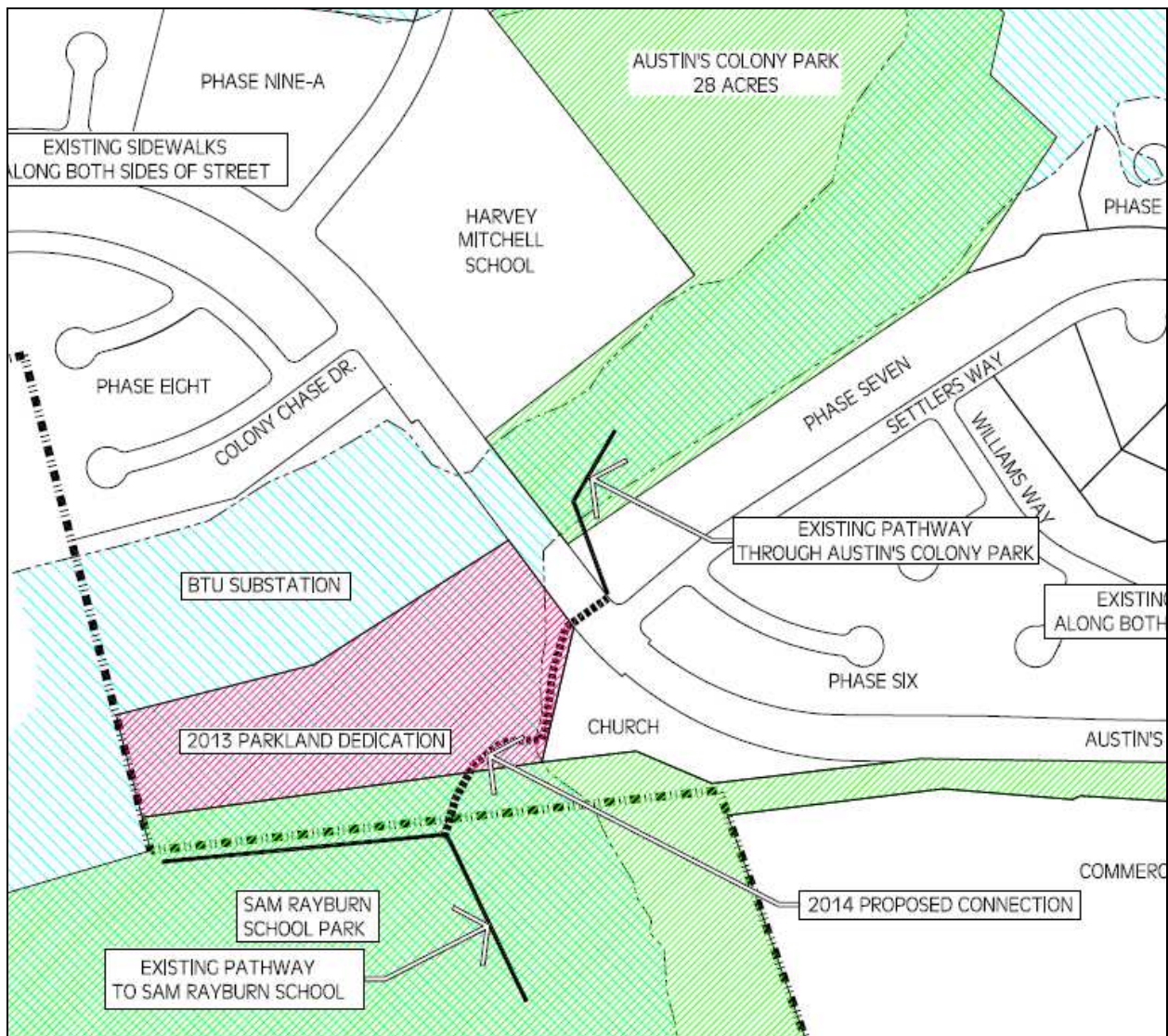
As part of the proposal, the developer proposes to dedicate a vacant 8-acre tract situated adjacent to both the Sam Rayburn and Earl Rudder school campuses and the 10-acre Austin's Colony Greenbelt, across from the 28-acre Austin's Colony Park, as public parkland. The developer further proposes to construct a 775-foot long and 10-foot wide multi-use path through said 8-acre tract to provide connectivity between existing trails within the Austin's Colony Park and the Sam Rayburn School Park. During its regular meeting on November 19, 2013, the Parks and Recreation Advisory Board unanimously recommended accepting the developer's proposed dedication of parkland, subject to the condition that the developer constructs the proposed 775-foot long and 10-foot wide multi-use path through said 8-acre tract, prior to its dedication as parkland to the City.

In October 2013, the applicant had requested PD-H zoning for only a portion (12.82 acres – proposed Phase 13 of Austin's Colony Subdivision) of the 88+ acres that is now the subject of this request. During its regular meeting on November 7, 2013, the Planning and Zoning Commission, by a vote of 5 to 3, recommended approval of the earlier request (case no. RZ13-15), subject to the stipulation that the developer still build sidewalks on both sides of all streets. During its meeting on December 10, 2013, the City Council voted to introduce an ordinance that would have approved the applicant's original proposal. However, the applicant withdrew that request on January 9, 2014 prior to City Council's second reading of the rezoning ordinance and submitted a new request for these 88+ acres on February 12, 2014. Excerpts from P&Z and Council meetings where the previous request was considered are attached to this staff report.

At this time, the developer is proposing to only rezone the 88.56 of the remaining approximately 195 undeveloped acres of land remaining in Austin's Colony. The land that is the subject of this request is planned to be subdivided into Phases 12B to 18 of the Austin's Colony Subdivision. The proposed PD-H District will be developed in accordance with the Austin's Colony Park Connectivity Master Plan, which will become part of the ordinance regulating development on this acreage. Rezoning requests for future phases of the Austin's Colony Subdivision will be made when those tracts are proposed to be developed with residential home sites. Those future subdivision phases will then be similarly designed in conformance with the park connectivity master plan.

A Planned Development District may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts. While greater flexibility is given to allow special conditions that vary from normal standards, the Planning and Zoning Commission should weigh the benefits of each proposal against those that would be produced by adhering to the standard development regulations to ensure against misuse of increased flexibility.

DETAIL OF 8-ACRE CONNECTING TRACT:



RELATION TO BRYAN'S COMPREHENSIVE PLAN:

The City of Bryan adopted a new Comprehensive Plan in January 2007. The plan includes policy recommendations related to the various physical development aspects of the community. In the section concerning transportation, the Comprehensive Plan states:

Issues relating to transportation needs were identified by the Comprehensive Plan Advisory Committee (CPAC) as well as representatives of the community that were represented on several focus groups as well as citizens who attended several community forums. Among the issues identified requiring attention was:

Creating a bike/pedestrian friendly community. Integrating bikeways and sidewalks into the plan and locating a funding source for these improvements.

The City of Bryan has great potential to increase bicycle transportation with its sizeable bicycling population and active bicycle advocacy groups. Bicycle routes, lanes and trails have the ability to provide links between residential areas and destinations throughout the city.

GOAL #1: PROVIDE A SAFE, EFFICIENT AND CONVENIENT MULTI-MODAL TRANSPORTATION SYSTEM

Objective C) Encourage utilization of alternative modes of transportation including transit, bicycles and pedestrians.

Action Statement 1: Review and update current ordinances to ensure that new development provide sidewalks and bicycle accommodations with direct connections to residential, schools, commercial, and recreational areas and to transit stops.

ANALYSIS:

In making its recommendation regarding a proposed zoning change, the Planning and Zoning Commission shall consider the following factors.

1. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned; relationship to general area and the City as a whole.

From the beginning of development of Phase 1 in 1993, through Phase 7 in 2001, the Austin's Colony Subdivision was built with sidewalks generally on only one side of streets. In 2000, an amendment to the City of Bryan Subdivision Ordinance mandated that sidewalks be built on both sides of the street in all new or redeveloping subdivisions. Consequently, Phases 8 through 12 have been built in compliance with that requirement.

Through the developer's dedication of a vacant 8-acre tract as parkland, the immediate effect of the park connectivity master plan would provide the potential for off-roadway pedestrian connectivity within the Austin's Colony Subdivision. That 8-acre tract lies adjacent to both the Sam Rayburn and Earl Rudder school campuses and the 10-acre Austin's Colony Greenbelt. The 8-acre tract is also located directly across Austin's Colony Parkway from the 28-acre Austin's Colony Park, as shown on the attached park connectivity master plan and aerial photograph.

Staff believes with the added connectivity the proposed layout of sidewalks within this proposed PD-H District will provide a transportation network for pedestrians superior to that which would develop under normal development standards. The dedication of additional parkland to “close the gap” between Sam Rayburn School Park and Austin’s Colony Park and the construction of a 10-foot wide multi-use path will produce long term benefits to all phases, those already complete and land yet to be developed, of Austin’s Colony, that outweigh those gained by adherence to the sidewalk standards required within future RD-5 zoning districts that will in the future be located on as yet to be developed property.

The proposed development plan includes no changes to allowed land uses. Staff believes that the proposed arrangement of public park connectivity by multi-use path facilities throughout the Austin’s Colony Subdivision will support the orderly urban growth in this part of Bryan and provide an amenity that current and future residents will get to enjoy.

2. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area and shall note the findings.

Staff believes that the proposed layout of sidewalks within this proposed PD-H District will provide an adequate transportation network for pedestrians. Through the dedication of additional parkland and the construction of a 10-foot wide multi-use path, staff contends that that the proposed development will be of greater and immediate benefit to the public than would be produced by adherence to conventional standards for sidewalk construction, without parkland dedication and connection of existing parks with a pathway.

3. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development.

The subject property lies in close proximity to a considerable amount vacant land that could potentially be zoned and used for residential development. Staff believes that the change of standards proposed within the development plan, if approved, will not make land classified for similar development in the vicinity and elsewhere in the City unavailable for development.

4. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.

Staff contends that residential developments are developing at a moderate pace in this general vicinity and elsewhere in the City.

5. How other areas designated for similar development will be, or are unlikely to be affected if the proposed amendment is approved, and whether such designation for other areas should be modified also.

If the proposed PD-H District were approved, staff believes there to be few if any effects on other areas designated for similar developments.

6. Any other factors affecting health, safety, morals, or general welfare.

Staff is unable to discern any other factors related to this rezoning request that will adversely affect health, safety, morals, or general welfare. Staff contends that the proposed arrangement of pedestrian facilities at this location will support orderly urban development in this part of Bryan.

In addition, the Planning and Zoning Commission shall not approve a planned development if it finds that the proposed planned development does not conform to applicable regulations and standards established by Section 130-125 of the Zoning Ordinance:

1. Is not compatible with existing or permitted uses on abutting sites, in terms of use, building height, bulk and scale, setbacks and open spaces, landscaping, drainage, or access and circulation features, within the standards established by this section.

The proposed PD-H District zoning includes no changes to land uses already permitted in the property's current RD-5 zoning classification with respect to building scale, bulk, height, setbacks. The proposed development plan will reduce impervious cover throughout the remaining phases of the Austin's Colony Subdivision thereby reducing future public maintenance responsibilities. Staff believes that the proposed use and development of this property for a single-family residential subdivision phase should have no adverse impacts on nearby properties or the City as a whole.

2. Potentially creates unfavorable effects or impacts on other existing or permitted uses on abutting sites that cannot be mitigated by the provisions of this section.

Staff is unable to identify any potentially adverse effects on other existing or permitted uses on abutting sites that cannot be mitigated by the provisions of the proposed PD-H District.

3. Adversely affects the safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonably anticipated in the area considering existing zoning and land uses in the area.

Staff contends that the proposed development will not adversely affect the safety and convenience of vehicular and pedestrian circulation in the vicinity. The proposed layout of road and pedestrian walkways can reasonably be expected to provide for adequate and safe traffic circulation on the subject property and the Austin's Colony Subdivision in general.

4. Adversely affects traffic control or adjacent properties by inappropriate location, lighting, or types of signs.

Staff contends that the proposed development will not adversely affect adjacent properties by inappropriate lighting, or types of signs. Allowable signage in residential districts is purposefully restricted. Signage in this residential subdivision advertising, for example, a home occupation, is limited to a 1 square foot sign mounted to the front of the main building.

5. Fails to reasonably protect persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.

Staff contends that the proposed development will reasonably protect persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts, in conformance with applicable city ordinances.

6. Will be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity, for reasons specifically articulated by the commission.

Staff is unable to discern any additional detrimental impacts not already identified in this staff report.

RECOMMENDATION:

Based on all of the aforementioned considerations, staff recommends **approving** the proposed zoning of these 88.56 acres to Planned Development – Housing District (PD-H), as requested.

EXCERPT FROM DECEMBER 10, 2013 CITY COUNCIL REGULAR MEETING MINUTES:

5. REZONING REQUEST (RZ13-15)

a. Public Hearing – Rezoning Request (RZ13-15)

Planning Administrator Martin Zimmermann presented information regarding a proposed ordinance to amend Chapter 130, Zoning, of the City of Bryan Code of Ordinances, to change the zoning classification from Residential District – 5000 (RD-5) to Planned Development District – Housing (PD-H) on 12.82 acres of land out of John Austin League, A-2, located east of the intersection of Thornberry and Bullinger Creek Drives in Bryan, Brazos County, Texas. It was reported the Planning and Zoning Commission recommended approval of the request, with a stipulation to still require sidewalks along both sides of the streets. Mr. Zimmermann reported the developer asked the Council to consider his request for sidewalks on only one side of the street and a proposal to dedicate additional parkland and construct a 775-foot long multi-use path to connect trails within Austin's Colony Park and the Sam Rayburn School Park, which the Parks and Recreation Advisory Board also endorsed. Ms. Peggy Bloomer, 2006 Williams Way, urged the Council to follow the Planning and Zoning Commission's recommendation to require sidewalks on both sides of the streets for safety purposes. Ms. Sharon Anderson, 2304 Cindy Lane; Ms. Carolyn Buckley, 3908 Bravo Court; and Mr. Rafael Pena, 3420 Sandy Point Road, agreed. Mr. Mark Carrabba, 4045 Austin's Landing, developer of the subdivision, said he would

like to connect Austin's Colony Park to Sam Rayburn School's sidewalk system with the proposed pathway, and also stated there were utility issues involved with placing sidewalks on both sides of the streets. The public hearing closed at 6:45 p.m. with no other comments.

b. First Reading of an Ordinance - Rezoning Request (RZ13-15)

Mayor Bienski moved to approve the first reading of an ordinance of the City of Bryan, Texas, amending Chapter 130, Zoning, of the City of Bryan Code of Ordinances, to change the zoning classification from Residential District - 5000 (RD-5) to Planned Development District - Housing (PD-H) on 12.82 acres of land out of John Austin League, A-2, located east of the intersection of Thornberry and Bullinger Creek Drives in Bryan, Brazos County, Texas. The motion was seconded by Councilmember Horton. After discussion, the motion carried with five yeses (Mayor Bienski and Councilmembers Madison, Horton, Hughes and Konderla) and two noes (Councilmembers Saenz and Owens).

EXCERPT FROM NOVEMBER 7, 2013 P&Z REGULAR MEETING MINUTES:

5. REQUESTS FOR APPROVAL OF ZONING CHANGES – A PUBLIC HEARING WILL BE HELD FOR EACH ITEM (Commission makes recommendation; City Council has final approval).

a. Rezoning RZ13-15: Grant Carrabba

A request to change the zoning classification from Residential District – 5000 (RD-5) to Planned Development District – Housing (PD-H) on 12.82 acres of land out of John Austin League, A-2, located east of the intersection of Thornberry and Bullinger Creek Drives in Bryan, Brazos County, Texas. (R. Haynes)

Mr. Haynes presented the staff report (on file in the Development Services Department). Staff recommends approval of the proposed rezoning.

The public hearing was opened.

Mr. Mike Hester, 7607 Eastmark Drive, College Station, stated that he was the engineer for the project and would be happy to answer any questions.

In response to a question, Mr. Hester stated that the proposed trail would be multimodal and include crossing both floodplain and a creek.

Ms. Peggy Bloomer, 2106 Williams Way, Bryan, Texas, came forward to speak against the request. She stated that sidewalks on both sides of the street are important, and asked the Commission not to make a short-term concession.

Ms. Sharon Anderson, 2304 Cindy Lane, Bryan, Texas, came forward to speak against the request. She stated that she was an advocate for sidewalks on both sides of the street for the flexibility it provided a neighborhood and the safety it provides for residents.

The public hearing was closed.

Commissioner Hickle expressed that he had a question for the applicant.

The public hearing was opened again for the applicant.

In response to a question, Mr. Grant Carrabba, the applicant, stated that he could build sidewalks on both sides of the street, but he wants to connect all parts of the subdivision, schools, and parks in loops for better walking connectivity than sidewalks on both sides.

In response to a question, Mr. Hester stated that they were trying to provide greater connectivity and were proposing parkland as part of the proposal.

The public hearing was closed.

In response to a question, Mr. Haynes stated that other developments, including a nearby one, had approved development plans to allow sidewalks only on one side of the street.

In response to a question, Mr. Haynes stated that planned development zoning would change the development standards for this area.

Commissioner Hickle moved to recommend approval of Rezoning RZ13-15 to the Bryan City Council, with the stipulation that the applicant adhere to the amended City of Bryan subdivision ordinance requiring sidewalks on both sides of the street, and to adopt the written staff report and analysis, as the report, findings and evaluation of this Commission. Commissioner Jones seconded the motion.

Commissioners discussed:

- Whether or not the applicant could or would build both the proposed walkways and sidewalks on both sides of the street
- Support for sidewalks on both sides of the street
- The cost of sidewalks
- Great area of development

The motion passed by a vote of 5 in favor and 3 in opposition. Commissioners Hardeman, Krolczyk, and Gutierrez cast the votes in opposition.